IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7840 of 1989

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GHANSHYAMDAS M SINDHI

Versus

COLLECTOR

Appearance:

MR KB PUJARA for Petitioner

MR ND GOHIL AGP for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 07/04/2000

ORAL JUDGEMENT

Heard the learned advocates.

By order dated 23rd October, 1983, made by the Collector, Banaskantha, the petitioner has been allotted parcels of land of City Survey Nos. 6671, 6672 and 6764,

admeasuring 66.08 Sq.Mt. situated at Radhanpur for commercial purposes. The petitioner was permitted to construct shops on the said land for personal commercial use subject to the conditions, interalia, that the said land was inalienable and should be used for personal commercial purposes only. Pursuant to the said permission, the petitioner had constructed six shops on the said piece of land. Out of the said six shops, shops nos. 3, 4 and 5 were rented to three persons viz. Ashokkumar Amrutlal Thakkar, Kamabhai Savabhai and Jagdishbhai Popatlal. The petitioner, thus, committed breach of the terms of the allotment and permission. After giving due notice to the petitioner to show cause, by order dated 11th August, 1989, made by the Collector, the said grant was cancelled. Feeling aggrieved, the petitioner preferred Revision before the State Government, which too was dismissed on 7th October, 1989. Feeling aggrieved, the petitioner has preferred the present petition.

Mr. Pujara states that it was under the compelling reasons, as stated in his reply dated 12th July, 1988, the petitioner had to dispose of the shops in question. However, since the petitioner has recovered the possession of the concerned shops, he may apply to the concerned authority for regularisation of alleged breach or for requisite permission. In that view of the matter, the petitioner shall, within a period of four weeks from today, apply to the respondent no.1 either to regularise the breach of the terms of the grant or to convert the grant into an old tenure. If such an application is made, the same shall be decided by the respondent no.1 within a period of ten weeks from the date of the receipt of the application. It is clarified that the decision that may be taken by the respondent no.1 on the application to be made by the applicant hereafter, shall be final and binding to the petitioner. The interim order made by this court on 28th November, 1989, shall continue to operate till 31st July, 2000. If the petitioner so wishes, he may also be given an opportunity of personal hearing.

The petition is accordingly disposed of. Rule is discharged. Subject to the above direction, interim relief is vacated.

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JOSHI